INFORMATION LETTER

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REQUIREMENT THAT GOVERNMENT GRADES BE STATED ON INVOICE OF FORMULA-PRICED FOODS ABANDONED BY OPA

On January 5, 1944, the OPA, in Amendment 24 to Maximum Price Regulation No. 306, withdrew, as to those products for which specific dollars and cents ceiling prices are not specified in the regulation, the requirement that the seller state the AMA grade on the invoice.

The Statement of Considerations accompanying this amendment recites that:

"Maximum Price Regulation No. 306 was originally designed to establish specific dollars and cents ceiling prices for most of the 1943 packs of fruits and vegetables. The plan was to relate these uniform prices to the uniform grades established by the Department of Agriculture. To implement such a program, a provision was inserted requiring processors to show on their invoices in each case the grades of goods sold. 'Grade' was defined with reference to official United States Department of Agriculture grades.

"More recently a number of products have been added to the regulation for which 'formula' ceilings have been added. These formula prices were intended to be related to the processor's own commercial grades. Because 'grades' had already been defined as official United States Department of Agriculture grades, the result was that processors have been required, under the regulation, to show official grades on invoices for sales of even those products which are priced by commercial grades or designations. It is impractical with formula-priced items to require the showing of commercial grades on invoices. Accordingly, the requirement that grades be shown on invoices is restricted to those items priced in terms of official Department of Agriculture grades.

"At the same time, the definition of 'grade' is revised to reflect the varying usage of the term in the regulation."

Legal Situation Ambiguous

It will be recalled that in carrying out the Taft Amendment, the OPA previously amended the preambles to 250 regulations in which standards were used for pricing. In the case of MPR 306, however, the Administrator stated on September 13, 1943, that he would hold a further meeting with the canning industry, and that:

"Pending the outcome of this meeting, formal amendment of the preamble of the regulation to include a finding under the Taft Amendment will be withheld."

The OPA's interpretation of the Taft Amendment has previously been outlined to the industry. (See INFORMATION LETTER No. 952, September 18, 1943, page 7845.)

This week's OPA action still leaves in effect the requirement that the invoice state the AMA grade in the case of flat-priced fruits and vegetables. It likewise retains the pricing of such products according to these government grades. No amendment of the preamble, setting forth the basis upon which OPA believes this can be done under the Taft Amendment, has been issued. This leaves MPR 306 as practically the only price regulation in which maximum prices are tied to grades, but as to which no justification under the Taft Amendment has yet been issued. That amendment was approved July 16, 1943, and the OPA's basic interpretation of it was issued on September 13, 1943. No announcement has been made as to when the Administrator will reach a decision on this basic legal question concerning MPR 306, or why such decision has been delayed.

The text of Amendment 24 follows:

Maximum Price Regulation 306 is amended in the following respects:

1. Paragraphs (a) and (b) of § 1341.565 are amended to read as follows:

(a) Wherever a grade for an item is specifically listed (e. g., "A", "B", "C", or "Fancy", "Extra Standard" and "Standard") or prices are determined by reference to an item so listed, the term "grade" means the grade at the time of shipment, as established and defined by the United States Department of Agriculture. Each processor selling such an item shall furnish the purchaser, at or before the time of delivery, with an invoice describing the item and separately stating its grade.

(b) In all other cases, the term "grade" means the commercial grade or customary trade quality designation at the time of shipment.

This amendment shall become effective January 11, 1944.

Walsh-Healey Exemption Extended Through 1944

Exemption from the provisions of Section I of the Walsh-Healey Public Contracts Act for certain listed canned and dehydrated fruits and vegetables, has been extended to December 31, 1944, by the Secretary of Labor. The listed products were published in the INFORMATION LETTER for December 31, 1942, at the time a similar extension was granted for the year 1943.

1944 GLASS CONTAINER, CAP QUOTAS PRESCRIBED

New Order L-103-b, Issued January 5, Supplants Former M-104 and L-103 Orders

The 1944 quotas of new glass containers, as well as metal caps, in general permit the use of approximately the same number of new glass containers and metal caps for packing certain products as was used in 1943, the War Production Board Containers Division announced January 5, in issuing a new Limitation Order L-103-b, which now incorporates the metal closure limitation Order M-104.

The new order covers only new glass containers and caps, and does not affect their reuse. Subject to specific exceptions, it lists the only products that may be packed in glass containers and with metal closures, and the closure materials that may be used in each case.

Some 91 food products which may be packed in glass containers with metal closures, are listed, and specific quotas for 98 per cent of the glass production are set up. In general, the quota schedules of the new order follow the plans of former orders L-103-b and M-104.

The new order and the amended metal can order, M-81, which was issued on January 3, 1944, form an integrated container program designed to provide containers to the extent permitted by the listed quotas, WPB stated.

Glass container use for home canning remains unlimited, as do metal closures

therefor. However, the manufacture of zinc mason closures of 70 mm or over is now allowed at 60 per cent of the 1941 production, and certain top seal metal lids larger than 70 mm may be made to the extent of six per cent of production in the base period. The manufacture of other home canning closures is unlimited.

Some products in the food category are restricted as to the size of containers that may be used, so as to discourage the excessive use of small containers it was stated.

The official text of Order L-103-b is reproduced on pages 8009-8014.

M-81 Permits Frozen Plate For Schedule I and II Items

Permission for canners to clean up the stocks of frozen plate was given in the recently amended M-81 order. Thus, a canner may use frozen plate for canning any item listed in Schedules I and II without obtaining special authorization. This permission is contained in the first paragraph under "Inventory Exceptions." It had been requested by industry representatives and the administrators of Order M-81 but the War Production Board had held out until the last minute for special authorization. This accounts for the apparent contradiction between the paragraph in the order cited above and the second paragraph of the introduction to the order, on page 7995 of the SPECIAL INFORMATION LETTER for January 3. Owing to this last minute approval of the wording in the order, the following statement in the introduction should be deleted from your copy of that issue of the LETTER.

"Thus, in the case of pork and beans, tin cans made from frozen plate may be used after January 3 only if a new authorization is obtained. Cans made of .50 plate bodies and CTB ends only may be used for pork and beans under the order that became effective January 3."

The copy of the text of the amended M-81 made available for publication in the January 3 SPECIAL INFORMATION LETTER contained minor errors subsequently corrected by WPB. In item 24, Schedule I, under Vegetables and Vegetable Products, green or wax beans were listed for 1.50 tin for can bodies whereas the correct plate is .50. The degree of Brix was incorrectly stated as 40 instead of 32 for items 19b (grapefruit and lemon concentrates) and 19c (blended orange and lemon concentrates) under miscellaneous foods in Schedule II.

SUMMARY OF RECENT LEGISLATIVE ACTION ON MANPOWER

1944 Farm Labor Program Covering Use of Foreign Workers in Canning Factories is Delayed

Recent legislative action by Congress has been taken in connection with the 1944 program to assure a supply of farm labor, and to provide for the deferment of pre-Pearl Harbor fathers until all other qualified registrants have been inducted into the armed forces. Since a large percentage of the remaining labor supply is composed of family men with children, the legislation concerning Selective Service will directly affect the labor supply problem.

The 1944 Farm Labor Program

Canners are interested in at least one aspect of the 1944 farm labor program in connection with the use in canneries of foreign laborers imported under the program. It will be recalled that the farm labor program for 1943 was conducted under Public Law 45 which made an appropriation for the recruitment, transportation and housing of persons for employment as farm laborers in areas where a shortage existed. The program was handled through the Office of Labor of the War Food Administration. For technical, legal reasons it was ruled, in mid-season, that laborers imported under the program from foreign countries could not be used in canning plants. In many cases this restriction led to an uneconomic situation where a canner was able to use the foreign laborers in his farming operations but was unable to use them in the processing of his raw agricultural products.

This matter was called to the attention of the government officials responsible for the planning of the 1944 farm labor program. Congressional action with respect to the 1944 program was required before December 31, 1943, because of the fact that the appropriation under which the 1943 program had been conducted expired on that date.

After extended committee discussion by the House Appropriations Committee, Representative Clarence Cannon, of Missouri, introduced a resolution to provide an appropriation for the 1944 program. This bill contained the following provision:

"When authorized by the Administrator (War Food Administrator), workers under the program may be used in the packing, canning, freezing, drying, or other processing of perishable or seasonal fruits and vegetables."

This language would remove the restriction prohibiting the use of foreign laborers in canneries if and when the War Food Administrator authorized such use.

The bill introduced by Mr. Cannon continued the presently existing organization of the Office of Labor in the War Food Administration as the agency in charge of the program. Substantial disagreement arose, however, as to whether this agency should continue to administer the program. As a result of this disagreement the bill originally introduced by Mr. Cannon was not accepted and on December 17 the House passed another bill which would give the administration of the program to the Federal Office of Extension and the State Extension Service. The language permitting the use of these farm laborers in canning plants was retained.

When the bill reached the Senate, however, the adjournment of Congress for the Christmas holidays was imminent. The Senate Appropriations Committee refused to give cursory examination to the bill as passed by the House. Consequently, in order to prevent the lapse of the appropriation for the farm labor program from expiring on December 31, Congress on December 18 passed a resolution extending the appropriation to January 31, 1944. This will enable further consideration of the 1944 farm labor program immediately upon the reconvening of Congress.

Reorganization of Selective Service

The long debates on deferment of pre-Pearl Harbor fathers crystallized in the approval on December 5 of legis-

Cans for Corned Beef Hash and Chili

Authorization for the sale and use of size 300 cans or larger for packing corn beef hash and chili with or without beans was given in a telegram sent to can manufacturers on January 7 by the War Food Administration. The telegram stated:

The provisions of Section (c) of Order M-81 (as amended January 3, 1944) are waived to the extent necessary to permit the manufacture, sale and use of size 300 cans or larger for packing the following products in Schedule II, subject to quota restrictions: Item 6, corn beef hash; Item 7, chili with or without beans. You are hereby authorized to inform purchasers of such cans of this exception and the purchaser may accept a copy of this wire as evidence of his authority to purchase, accept delivery of and use such cans.

lation amending the Selective Training and Service Act of 1940. This legislation removed from the War Manpower Commission authority over the induction of registrants for the armed forces and authorized the President to delegate only to the Director of Selective Service, authority granted by the Act. In addition, the Act provided that registrants shall be ordered to report for induction on a nation-wide basis in the nation, and on a State-wide basis in each State, in such a manner that pre-Pearl Harbor fathers will be inducted after the induction of all other registrants who are not properly deferred or exempted.

As part of the policy to postpone as long as possible the induction of pre-Pearl Harbor fathers, the President was authorized and directed to appoint a Commission to review the physical requirements for induction into the armed forces. This Commission, however, can only review the requirements and recommend changes to the President. There is no requirement that any recommendations for lower physical standards be adopted.

The statute also provides for pre-induction physical examinations in an attempt to inform registrants of their chances for induction in ample time for them to wind up their affairs.

The President, however, in effect forestalled the Congressional attempt to remove chairman Paul V. McNutt of the War Manpower Commission from control over the Selective Service System by the issuance, December 23, of Executive Orders 9400 and 9410. Executive Order 9410 provides that the Selective Service System is to be a separate agency administered by the Director of Selective Service. The Order, however, requires the Director to consult with the Chairman of the War Manpower Commission on all matters arising in the administration of the Selective Service Act, and on all matters necessary to assure that the administration of the Act is coordinated with the policies and programs of the War Manpower Commission. Then, by Executive Order 9409, the President made the Director of Selective Service a member of the War Manpower Commission. The practical effect of these two orders appears to be retention of Chairman McNutt in control of the Selective Service System.

It should be noted that this legislation, at most, postpones the induction of pre-Pearl Harbor fathers. For practical procedures which canners might take in connection with induction of their employees, see page 7991 of the INFORMATION LETTER for December 31, 1943.

Fish Oil Exemption Appeals

Appeals for exemption of fish oils having a high free fatty acid content from restrictions of Food Distribution Order No. 60 will be considered by the Food Distribution Administration, it was announced January 5. They may be filed with the Chief, Fats and Oils Branch, Food Distribution Administration, Washington 25, D. C.

High free fatty acid content oil includes "gurry oil," or tank bottoms and settlings which have accumulated from storage of crude fish oil during the producing season. It does not include refinery residues or by-products.

Fish oils of high free fatty acid content generally are not suited for most industrial uses because they contain a relatively high percentage of foreign matter, such as protein and oleaginous materials, the announcement stated. They also have a high moisture content and are dark in color.

If appeals are granted, the oils must be sold in accordance with the Office of Price Administration's Maximum Price Regulation No. 53, (article 2) and used in accordance with the quota restrictions of FDO No. 42, the general order on fats and oils.

Numbers Assigned to Wage Adjustment Amendments

The December 31, 1943, issue of the INFORMATION LETTER, on pages 7985 and 7992, reported a series of amendments which adjusted maximum prices to reflect increases in wage rates. At press time numbers had not been assigned to these amendments and it was necessary to characterize them by product and/or the number of the price regulation being amended. Numbers have since been assigned to these amendments as follows:

Amendment No. 25 to MPR 306; Amendment No. 9 to MPR 409; Amendment No. 4 to MPR 473; Amendment No. 1 to MPR 488; Amendment No. 2 to MPR 493; and Amendment No. 1 to MPR 498.

Inspection of Canned Oysters

Regulations for the continuous inspection of canned oysters under the Federal Food, Drug, and Cosmetic Act have been promulgated by the Food and Drug Administration. They provide for a voluntary inspection service and the issuance of certificates of inspection. The text of the regulations was published in the Federal Register for January 4, 1944.

FOOD STOCKS HELD BY WFA

Statement Gives Estimated Totals in Commercial Storage December 1

Stocks of food privately owned and owned by the Government in commercial storage were discussed in a statement issued January 6 by the War Food Administration.

It pointed out that there are three major categories of food inventories in commercial storage today—the largest being that privately owned destined for distribution to civilians. The second category consists of stocks owned by the military forces for which detailed data are not made public for security reasons but which follow the formula of providing a supply only sufficient to provide for definite foreseen consumption of the armed forces at home and overseas. The third category includes stocks in the hands of the Food Distribution Administration for emergency use by our military forces, for shipment to the United Kingdom, Russia, and other Allied Nations; and for Puerto Rico and Hawaii being supplied under self-liquidating programs. FDA does the food buying and storing for WFA.

In the following summary by commodity groups, the estimated total stocks in commercial storage on December 1, or solely private stocks if available, are indicated, and also the WFA stock position on that date relative to rate of shipping now applicable to the latter inventory. The military stocks are not shown and will not be, but, according to the WFA statement, are not excessive.

Canned meats.—WFA stocks, 246,000,000 pounds, approximately 3½ months' supply compared with the rate of delivery in December, but the present stocks will be exhausted before February 15 at the present rate of shipment.

Evaporated milk.—Privately owned stocks, 4½ million cases. WFA stocks, 5 million cases. At the average rate of shipments last year this quantity is about a 3-month supply, but war requirements for this commodity are expected to be extremely heavy in the next few months.

Canned fruits and vegetables.—Processors' and wholesalers' stocks estimated at 140 million cases. WFA stocks about 9 million cases, equivalent to approximately a 7-month supply compared with quantities shipped last month. It is necessary for the Government to have a year's war requirements set aside as soon as the pack is completed.

WAGE AND HOUR RECORDS

Amendment Prescribes Deduction for Board, Lodging, other Facilities Furnished to Employees

Section 11(c) of the Fair Labor Standards Act, requires that employers, subject to the Act, keep wage and hour records. Part 516 of the Regulations, issued thereunder, specifically provides how to keep these records.

On December 18 the Administrator of the Wage and Hour Division amended Part 516 by adding a new section—516.1(b). The new amendment, dealing with the deductions to be made from wages of employees for "board, lodging or other facilities", furnished them as additions to their wages, prescribes the records to be kept by an employer who makes such deductions.

With regard to such facilities the record requirement is met if the cost of furnishing each class of facility is substantiated. This means that no separate records of the cost of each item furnished an employee need be kept. In fact, combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise supplied to employees suffice to meet this requirement. If, for instance, housing is furnished, the cost of maintenance and repairs for all houses may be shown together, as well as the original cost and depreciation for such groups of houses. Similar or closely related facilities, such as housing and electricity, may be treated as a "class" of facility for record-keeping purposes, should these cost records not readily be separable. However, where cost records are kept for a "class" of facility rather than for each individual article, as may be the case in furnishing different kinds of merchandise through a company store, the records also must show the gross income derived from each such class of facility; for instance, gross rentals in the case of houses, total sales through the company store or commissary, total receipts from sales of fuel, etc.

Although the new section 516.1(b) requires that records, substantiating the cost of furnishing each class of facility, shall include itemized accounts, no particular degree of itemization is required. The amount of detail shown in the "itemized accounts" should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representatives to verify the nature of the expenditure and the amount by reference to the basic records. Pursuant to section 516.15(c) (3) of the "Regulations on Records" these basic records must be preserved.

The new section 516.1(b) becomes effective April 1, 1944. It reads as follows:

"In addition to keeping other records required by the regulations, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3 (m) of the Act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in § 531.1 of the Regulations, Part 531, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets."

Truck and Trailer Production Order Is Issued by WPB

The War Production Board, on January 4, issued a formal order providing for the production of more than 1,000,000 trucks and truck trailers for military and civilian use during 1944.

No producer or supplier will be permitted, except when authorized by WPB, to accept an order for any product, the production of which will delay or interfere with his "frozen" schedule under the order, nor may any producer or supplier place an order with another supplier for a total quantity of any component in excess of his actual requirements.

The order also assigns a preference rating of AA-1 to producers of motor trucks and truck trailers and suppliers of components for material entering into the production of these items. All trucks and truck trailers produced under the terms of the order, except those on orders for the United States Army or Navy, will, upon completion, be held subject to the rationing procedures of Conservation Order M-100. This will assure that these new vehicles will be put to the best possible use in the war effort, it was stated.

Simultaneous with the issuance of this order, designated as Limitation Order L-1-E, WPB also announced the revocation of Limitation Order L-1-G, which had prohibited the production of truck trailers after June 30, 1943, except for the war agencies and as specifically authorized by the Director General for Operations. Truck trailers will hereafter be produced under the terms of Limitation Order L-1-E.

SALES BY U. S. AGENCIES

Ceiling-exempt Conditions Applicable to Government Sales Specified

The Office of Price Administration has issued Supplemental Order No. 81, effective January 12, which prescribes the conditions of price control on food sales by government agencies.

OPA said that no government agency was required to conform with any ceiling price in the sale of food to any other government agency, to any foreign government or foreign government agency, or to any relief agency purchasing for donation or export sale.

In addition to these exemptions, sales are excepted when included in other OPA orders or regulations by an express reference to government agencies. OPA has laid down the following rules to govern all other sales of food by government agencies: When a government agency sells—

(1) To the producer, processor or manufacturer from whom the food was originally purchased, the maximum price is the buyer's maximum selling price or the price paid in the first place by the government agency, whichever is higher.

(2) To a manufacturer of the same food other than the person from whom the food was bought, the maximum price is the buyer's maximum selling price.

(3) To a manufacturer of a *similar* food, the maximum price is the price at which the producer of the food could sell, or, if this is not readily ascertainable, it is the buyer's maximum selling price.

(4) To a distributor, other than a manufacturer, dealing in the *same* food, the maximum price is the maximum which the distributor could pay to his usual supplier.

(5) To a distributor, other than a manufacturer, of *similar* food, there are two methods for determining the maximum price the agency can charge. The sale must be made at a price not to exceed the highest maximum which the buyer's most closely competitive distributor (of the same class) could pay his usual supplier. Or, if this method can not be used to determine the agency's selling maximum, the price can *not* exceed that at which the food could be sold to the distributor by his own usual supplier.

(6) To a person who does not process, produce, manufacture or distribute food, the maximum price is either (1) the price which the agency paid, or (2) the higher of the minimum prices required by the Emergency Price Control Act of 1942.

(7) When a government agency has specially packaged any food in such a manner that the packaging is of value to the buyer, the cost of packaging can be added to the maximum price established in this action.

In listing these conditions for pricing in sales by government agencies, OPA pointed out that these agencies could sell below the maximum at any time.

BUILDING APPLICATIONS

May Be Processed by WPB Regional and District Offices if Project Cost Is Less than $25,000

Regional offices of the War Production Board are now authorized by Field Administrative Order No. 708-20 to process construction applications, with certain exceptions, if the cost of the project is less than $25,000, the WPB Facilities Bureau has announced. The new decentralization of authority also provides that the WPB regional offices may designate certain WPB district offices to process such applications. Formerly, the WPB regional offices had authority to authorize construction applications only up to $10,000.

The effect of the new procedure is that an applicant desiring to begin a construction-project costing less than $25,000 need no longer apply to Washington to obtain a construction-authorization and supplies of priority-restricted materials. Instead, the applicant can get direct action on his project, without reference to Washington, simply by applying to the nearest WPB regional office or to a designated district office.

In cases where an applicant applies to a regional office instead of to a properly designated district office which is closer to the applicant's address, the regional office will automatically forward the application to the adjacent district office for handling.

In announcing the new decentralization of authority, WPB stressed that the powers granted to the regional offices do not include authority to grant tax amortization privileges. The WPB Facilities Bureau in Washington remains the sole source from which tax amortization certificates may be obtained. In the case of applications under $25,000, however, the tax-amortization requests must be filed with the field offices at the same time that construction-authorization applications are filed. The field offices will then forward the tax-amortization applications to Washington for appropriate consideration by the Facilities Bureau.

Grape Jam, Preserve Formula

The 1943-1944 base period, which manufacturers must use in working out the formula establishing maximum prices for grape jams and preserves made from packed Concord grape juice or pulp from the 1943 grape crop, is announced by the Office of Price Administration in Amendment No. 5 to Maximum Price Regulation No. 473, which becomes effective January 13.

The manufacturers, to determine their maximum prices, subtract the weighted average cost of their 1942 juice or pulp, as computed under MPR No. 226, from the weighted average 1943 cost of juice or pulp, not to exceed maximum prices. Because maximum prices have only recently been set on packed Concord grape juice and pulp, (See the INFORMATION LETTER for December 31, 1943) OPA listed November and December, 1943, and January, 1944, as the 1943-1944 base period.

Wholesale Inventory Factor For February Reduced to 4

To permit processors to build up reserves of processed foods for use next spring, the Office of Price Administration has cut to 4 the wholesale inventory factor for the reporting period beginning January 30, 1944, and ending March 4, 1944. The factor for the January 2-29 reporting period is 5. The reduction is accomplished through the issuance of Amendment 35 to Revised Supplement No. 1 to Ration Order No. 13, which became effective January 7.

For the February period, the wholesaler figures his maximum allowable inventory by totaling his point sales and transfers during the October, November and December periods, dividing by 3 to get the average for the three periods, and multiplying the result by the factor 4.

A reduction in the wholesaler's allowable inventory for February is necessary, OPA said, to halt the rapid movement of processed foods and enable processors to build up reserve stocks. These stocks will be needed next spring when production of processed foods is at a seasonally low ebb. In addition, the somewhat smaller allowable inventory should improve the distribution of processed foods throughout the country.

OPA rationing officials pointed out that the factor 4 will enable wholesalers to carry more than a four months' supply of processed foods. This is so, it was explained, because the "base period" used in determining the allowable inventory—that is, October, November, and December—was a period of unusually high sales and transfers.

MIXED FERTILIZER PRICES

Multiple Grade Ceilings Established through New OPA Amendment

Price differential for multiple grades of fertilizer that may be produced at the manufacturer's discretion were announced by the Office of Price Administration on January 5. This action was taken in Amendment 1 to Second Revised Maximum Price Regulation 135.

The differentials are to be used for determining maximum consumer prices for multiple grades containing more or fewer units of nitrogen, available phosphoric acid and potash. OPA had set specific prices for other grades approved by the War Food Administration, but had made no provision for the multiple grade.

The prices now established are in line with those for the approved grades as well as with prevailing market prices, OPA said.

As an example of the use of differentials in establishing ceilings for multiple grades, OPA cites the following: In Schedule A, Maine, 5-10-5 (5 per cent nitrogen, 10 per cent available phosphoric acid, 5 per cent water soluble potash) is specified as an approved grade with a list price of $43.75 per ton. If a manufacturer desires, he may make a multiple grade of 5-10-5, such as 8-16-8, by adding to the price for the 5-10-5 differentials as follows:

	Per ton
Maximum price for 5-10-5	$43.75
Add 3 units nitrogen @ $2.25	6.75
Add 6 units available phosphoric acid @ $1.10	6.60
Add 3 units potash (from muriate) @ $.75	2.25
Maximum price for 8-16-8	59.35

The differentials are to be added to the list price in the schedule, and the price for the multiple grade is then subject to such freight quantity, cash and other discounts that prevail in each area.

Either as additions or deductions, the same differentials are to be used for pricing nitrogen-phosphate mixtures made as variations of the grade 4-16-0, and for pricing grades of superphosphate or potash salts not specifically priced in the regulation.

FRANK DIXON DIES AT 74

Was Connected with Canning Industry for More Than 60 Years

Frank A. Dixon, 74, director of experimental horticulture for the Canners League of California since 1922, died in his sleep on Christmas Eve. He had been confined to his home for the past two months, and had been able to devote only part time to his work for two or three years.

Mr. Dixon had been associated with the canning industry for more than 60 years, having gone to work at the age of 13 during school vacation with the San Jose Fruit Packing Co. He was born in Santa Clara, Calif., son of pioneer parents who crossed the plains by ox team in 1849.

During his boyhood, until the completion of his schooling, Mr. Dixon continued vacation work throughout successive canning seasons, and later, in 1891, became plant superintendent for the San Jose company.

In 1899, when that firm became a unit of the California Fruit Canners Association, Mr. Dixon was moved to the general office in San Francisco. He remained there until 1907 when he became associated with Hunt Brothers Packing Co. He was general superintendent for this firm for 13 years, prior to his retirement in 1921.

As director of experimental horticulture for the Canners League, Mr. Dixon was concerned with technical phases of canning, especially the quality of fruit. He also devoted considerable attention to the development of various new varieties.

C. H. Musselman Dies at 63

C. H. Musselman, 63, a leading canner of apples and apple products, died from a heart condition, January 6, at his home in Biglerville, Pennsylvania. He had been in failing health for more than a year. Funeral services were held January 8 at Gettysburg and burial was made in Biglerville. Survivors are his widow, a daughter and a son.

Mr. Musselman, who had served on N.C.A. committees and in other capacities, also was active in the Pennsylvania Canners Association, of which he was one of the founders and president for several terms.

Born in Lancaster County, Pennsylvania, he started in the canning business with his father and brother on the home farm. In 1906 they formed the Musselman Canning Company in Biglerville. In 1910 Mr. Musselman bought out his father and brother and operated as an individual until 1922 when the firm was incorporated as the C. H. Musselman Co., with Mr. Musselman as president and general manager.

C. M. Huber, Food Broker, Dies

Clarence M. Huber, 56, president of the National Food Brokers Association in 1936, and head of the A. K. Ackerman Company, Cleveland, died December 21 in a Lakewood, Ohio, hospital, after a two weeks' illness. Mr. Huber had been in the food brokerage business for 38 years.

Harry C. Carr Dies in Chicago

Harry C. Carr, 70, who was vice-president and a director of Libby, McNeill & Libby until his retirement in 1939, died at his home in Chicago, December 28. Private burial services were held in Milwaukee. Two daughters survive.

Mr. Carr spent 46 years in the food packing business with Swift & Company and the Libby firm.

Death of N.C.A. Staff Member

Funeral services were held in Washington, January 6, for Emory G. Shanks, 40, of the Association's Division of Statistics, who died from a heart attack, January 4, following two weeks' illness with influenza. Mr. Shanks came to the Association's staff in June, 1943, from the Riggs National Bank, where he had been employed for 18 years. As a member of the staff of the Division, he was engaged in the collection and preparation of canned food pack statistics.

Born and raised in Washington, Mr. Shanks was one of the most prominent high school athletes of the city and later starred in football and lacrosse at Pennsylvania State College, from which he was graduated in 1926. He was a member of Delta Upsilon fraternity. He is survived by his widow and mother.

To Hold Island Food Prices

Prices in Puerto Rico and the Virgin Islands of food handled by the Interior Department and the Food Distribution Administration will be maintained at present levels for the January-March quarter in those areas, B. W. Thoron, Director of the Division of Territories and Island Possessions, has reported.

Roy Hendrickson to Direct Supply Program for UNRRA

Roy F. Hendrickson, Director of the Food Distribution Administration of the War Food Administration, will become Deputy Director General in charge of supplies for the United Nations Relief and Rehabilitation Administration, effective January 15. The appointment was announced by Herbert H. Lehmann, Director General of UNRRA, on December 31.

In his new capacity, Mr. Hendrickson will be in charge of the supply program for UNRRA, covering food, clothing, medicine, equipment and other materials. He will be responsible for ascertaining requirements and bringing them to the appropriate allocating, procurement, and transportation agencies of the supplying nations, and for developing agricultural rehabilitation activities in liberated areas complementing the supply program, it was stated.

Pork and Beans Released

The War Food Administration has announced it will soon release about 440,000 cases of canned pork and beans to civilian consumers. The stocks being released represent a portion of government reserves which have been held for war requirements.

The canned beans are being offered to the packers from whom they were originally purchased, on the basis of a 15-day option to buy, it was stated. If the packers do not offer to purchase at acceptable prices during the option period, the stocks will be offered for sale on an open bid and acceptance basis.

Enameling of Pilchard Cans

The Special Commodities Branch of the Food Distribution Administration has issued an announcement to the canned pilchard industry, and a further amendment to the offer of sale form under which pilchards in tomato sauce in No. 1 oval cans are purchased, advising canners that both can bodies and lids should be inside enameled for sales of that product to the Government.

The amendment provides for an increase of 9.6 cents per case for the use of No. 1 oval cans manufactured from 1.25 hot dipped plate inside enameled. Previously, the Special Commodities Branch had requested the use of inside enamel only on the bodies of No. 1 oval cans.

Text of Supplementary Order L-103-b as Amended January 4, 1944

GLASS CONTAINER AND CLOSURE QUOTAS

Section 3270.36 *Supplementary Order* L–103–b is amended to read as follows:

§ 3270.36 *Supplementary Order L–103–b.*

What This Order Does

This order lists the only products which may be commercially packed in new machine-made, glass containers or with new metal closures. It specifies closure materials and sets forth the number of glass packages and metal closures which may be used for each listed product. In addition, some restrictions are placed upon the manufacture of closures.

The order limits "commercial packs" only. Although there are certain manufacturing restrictions, the use of glass containers or metal closures for home canning purposes is not affected.

Likewise, the provisions of this order cover only *new* glass containers and closures. Used containers, or closures are not limited. However, closures which are fabricated from used closures — that is, where the used closures are a production material—are regarded as new closures made of "waste" and are governed by the pertinent provisions of this order.

Definitions of the various terms used in this order appear in paragraph (x) hereof.

Restrictions On Use of Glass Containers and Closures

(Note exceptions from these restrictions in paragraphs (p) through (v)).

(a) *Prohibited acceptances and uses of glass containers and closures.* No packer shall accept delivery of or use any new glass container, or any new metal closure for packing any product not listed in a schedule of this order.

(b) *Limitations on acceptance and use of glass containers and closures.* Likewise, during any calendar year beginning with 1944, no packer shall accept delivery of or use, for packing any product which is listed in a schedule of this order, more new glass containers or more new metal closures (other than closures made from waste) than his quota for that product. However, jobbers or retailers may obtain closures and glass containers and resell them in conformity with the provisions of this order.

(c) *Closure materials.* No packer shall accept delivery of or use, for packing any product, new metal closures made of any material except those permitted for that product in the schedules of this order. However, blackplate closures (including rejects) may be used wherever tinplate or terneplate is specified, and frozen plate may be used wherever tinplate, terneplate or backplate is specified. Likewise, closures made of waste may be used in accordance with the following paragraph:

(d) *Closures made of waste.* Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order. Closures made of waste may be used in addition to specified quotas for listed products.

(e) *Home canning jars.* No packer shall pack any commodity in a home canning jar. (Note that the use of these jars for home canning is not restricted).

Quotas

(f) *General.* Closure and glass quotas are stated separately in the attached schedules, and are not necessarily the same for any given product.

Quotas are not interchangeable as between listed products. That is, a packer who packs two products, product A and product B, must compute his quota (in the manner described in the following paragraph (g)) for each product separately. He cannot allot any portion of his quota for product A to product B, even if he does not pack his full quota of product A.

Furthermore, quotas may not be transferred from one packer to another except as provided in Priorities Regulation 7A.

(g) *Computation of quotas.* In most cases where this order provides a quota for the packing of any product, it does so, in the attached schedules, by stating a percentage figure followed by a calendar year—for instance, 100% 1943. Where this appears in the "glass quota" column opposite a product, it means, unless otherwise specified, that a packer's glass container quota for that product during 1944 and subsequent calendar years is computed as follows:

(1) He takes the number of new glass containers which he used for packing that product during the named base year.

(2) He subtracts the number of new glass containers which he used for packing that product during the named base year and which were quota exempt under the provisions of any prior order of the War Production Board or under any previous amendment of this order.

(3) He multiplies the resulting figure by the applicable percentage.

Identical rules apply to the computation of closure quotas, except that unless otherwise specified they are based on the number of new metal closures used during the specified base period.

The schedules of this order provide that the quotas for some products are based on the number of new metal closures or new glass containers accepted rather than those used during the specified base period. Here again, the method of computation, described in this paragraph, applies, except that the word "accepted" should be substituted for the word "used" in steps 1 and 2 above. Only the new metal closures or the new glass containers which a packer actually accepted delivery of and those which were invoiced to him during the applicable base period may be included in his quota base in such cases. But, for the purpose of making charges against quota, a packer must include the new metal closures and the new glass containers which he actually accepts delivery of, and those which are set aside for him or held by another party for his account—whether or not they are actually invoiced to him.

In a few cases, the schedules of this order set forth special rules, not covered by the above, for the computation of quotas for particular products. Such rules must be followed, and supersede the general statements contained in this paragraph (g) to the extent that they conflict with them.

(h) *Use of quotas.* As indicated above, most quotas are based on past use. The word "use" refers only to the actual filling operation in the case of glass and the actual capping operation in the case of closures. Therefore, to the extent that a person did not do this directly during the base period, he has no quota, despite the fact that he may have supplied the actual packer with the product, closures, containers, etc. After December 31, 1943, any packing done for him must be within the quota of the person performing the actual filling and capping operation.

In the case of products whose quotas are based upon acceptances, a person is deemed to have "accepted" glass containers or closures (for the purpose of computing quotas) only to the extent that he himself actually took possession of them or had them invoiced to him. If he did not do this during the base period, he has no quota, and the rules stated in the preceding paragraph of this paragraph (h) apply.

Packers who use or accept new glass containers or metal closures for packing products for the account of others, as well as for their own account, must conduct both operations within their own quotas. Without a special appeals grant under this order, they cannot regard their use or acceptances of glass containers and metal closures for the account of others as an addition to their quotas. This is true even where the other person may represent to the packer that he has a quota which he is not using himself.

On the other hand, packers are entitled to include, in their own quota bases, their use or acceptances of new glass containers or new metal closures, for the account of others during the specified base periods.

Restrictions on Sale and Delivery of Glass Containers and Closures

(i) *General restrictions.* No person shall sell or deliver any glass containers or closures which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(j) *Export deliveries.* During any calendar year, no person shall sell or deliver more empty new glass containers or more new metal closures to persons outside of the 48 States of the United States and the District of Columbia than he sold or delivered to such persons during 1943.

(k) *Certificates.* No person shall sell or deliver any new glass containers or new metal closures except under a purchase order or contract validated by the delivery to such person of a purchaser's certificate, signed manually, or as provided in Priorities Regulation 7.

This certificate shall be in substantially the form attached hereto as Exhibit A in the case of sales or deliveries of all glass containers, and of all metal closures except malt and non-alcoholic beverage closures. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

This certificate shall be in substantially the form attached hereto as Exhibit B,* where sales or deliveries of malt or non-alcoholic beverage closures are concerned. This certificate differs from Exhibit A in that it must be filed with each purchase order for beverage closures in order to validate the order.

(l) *Outstanding certificates.* Certificates previously filed with a supplier under any previous amendment of this order, shall remain valid insofar as sales or deliveries of glass containers are concerned. Exhit A certificates previously filed under order M-104, shall remain valid insofar as closure (other than malt or non-alcoholic beverage), deliveries are concerned. In either of the above cases, no new certificate need be filed by any purchaser to validate his orders placed with the supplier to whom the previous certification was made.

(m) *Cases where certificates need not be filed.* No certificates shall be required for the sale or delivery of home canning jars or home canning closures, nor shall any certificates be required for the sale or delivery of any kind of glass containers or closures to: (1) Retailers, for resale empty or unused; or (2) persons purchasing closures or glass containers from retailers.

(n) *Standard certifications.* The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certifications provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

Restrictions Relating Solely to Manufacture of Closures

(o) *Closure material.* (1) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium (other than paraffin) such as another closure.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (o) (2).

(2) No person shall use any zinc, aluminum, tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule VII † attached to this order. No closure manufactured pursuant to Schedule VII shall knowingly be sold to, or used by, any person for packing any product for sale.

(3) No person shall use any tinplate, terneplate or blackplate heavier than 90 pounds per base box for the manufacture of crown caps. This restriction does not apply to rejects, frozen plate or waste-waste.

(4) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box; and all persons manufacturing closures shall, to the greatest extent available, use 0.50 tinplate for the manufacture of closures for which tinplate is permitted by the provisions of this order.

(5) No person shall use any wire for the manufacture of paperboard disc plug caps, having a diameter of two inches or less, for milk bottles.

Exceptions Pertaining to Both Glass Containers and Closures

(p) *Deliveries to certain agencies and persons.* Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of glass containers or closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy Camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees, engaged in the operation of recreation centers in the 48 States of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (p) (3) by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(q) *Special provisions in schedules relative to exempt deliveries to certain agencies and persons.* The schedules of this order contain certain limitations on the exception provided by the preceding paragraph (p) in the case of certain products—as, for instance, ice cream mix and malt and nonalcoholic beverages. In such cases, the provisions of the schedules are controlling and supersede paragraph (p) to the extent that they conflict therewith.

Exceptions Relative to Glass Containers Only

(r) *Small users.* The restrictions of this order which pertain to glass containers shall not apply to any person during any calendar year in which he accepts no more than a total of five hundred ($500.00) dollars worth (cost price to him) of empty new glass containers for all products.

(s) *Large size glass containers.* The restrictions of this order which pertain to glass containers shall not apply to any glass container with a capacity larger than 140 fluid ounces.

(t) *Glass containers manufactured prior to the date of this order.* The restrictions of this order shall not prevent any person's acceptance or use, for a product not listed in the schedules of this order, of any glass container manufactured before January 1, 1944, if the glass container in question was originally manufactured for the purpose of packing an unlisted product, or was originally manufactured for packing a listed product but has a capacity not permitted for that product in the attached schedules of this order. This paragraph does not permit the quota free use of glass containers for listed products regardless of when the containers were manufactured.

(u) *Quota free use of certain glass containers in inventory of packer on or before December 31, 1943.* To the extent that as of January 1, 1944, a packer had in his possession, empty glass containers which he was permitted to accept under paragraphs (b) (c) and (d) of order L-103-b as amended November 1, 1943, (excluding containers which he was permitted to accept under paragraph (e) of that order), he may use them during 1944 for packing any listed product in addition to his quota for that product. Nothing in this paragraph shall permit the quota free use of glass containers "borrowed" against anticipated 1944 usage, in accordance with paragraph (e) of this order as amended November 1, 1943.

* Exhibit B is not reproduced.

† Schedule VII is not reproduced.

Exceptions Pertaining to Closures Only

(v) *Small users.* The restrictions of this order which pertain to closures shall not apply to any person during any calendar year in which he accepts no more than five thousand new metal closures for all products.

Prior Appeals

(w) *Appeals granted prior to December 31, 1943 under Order M-104 and Order L-103-b.* All appeals granted prior to December 31, 1943 under orders L-103-b and M-104 are cancelled and shall be ineffective on and after January 1, 1944. Therefore, after that date, no person shall accept delivery of or use or shall manufacture, sell or deliver any new glass container or any new metal closure except in accordance with the provisions of this order—unless he receives a new grant on appeal after January 1, 1944.

Definitions

(x) *Definitions.* For the purposes of this order:

(1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product.

(2) "Packer" means any person who uses glass containers or closures for commercially packing any product in the continental United States (the 48 States and the District of Columbia).

(3) "Home canning jar" means a glass container which is specifically made for use as a home canning jar (that is, for the purpose of packing or preserving food or food products in the home) and which carries some lettering or other marking identifying it as such.

(4) "Closure" means any new sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(5) "Metal closure" means any closure which is made of zinc, aluminum, tinplate, terneplate, blackplate, frozen plate, waste-waste, or waste.

(6) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(7) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", and all other forms of terneplate except waste and waste-waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, and includes "rejects", and all other forms of blackplate except waste.

(9) "Frozen plate" means only tinplate, terneplate or blackplate which, since before August 9, 1943, has been held in the owner's inventory because, for any reason, it was not suitable for manufacture by the owner into articles permitted the use of steel under the provisions of War Production Board orders.

(10) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(11) Tinmill blackpate "rejects" means steel sheets rejected during processing by the producer because of imperfections which disqualify such sheets for sale as prime blackplate.

(12) "Waste", means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures or cans.

(13) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

Miscellaneous

(y) *Applicability of regulation.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(z) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(aa) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref.: L-103-b.

(bb) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 4th day of January, 1944.

EXHIBIT A—PURCHASER'S CERTIFICATE FOR ALL GLASS CONTAINER DELIVERIES AND ALL CLOSURE DELIVERIES EXCEPT MALT AND NON-ALCOHOLIC BEVERAGE CLOSURES

One copy of this certificate is to be delivered to each person from whom purchases of new glass containers or new metal closures (other than malt and non-alcoholic beverage closures) are made. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L-103-b and that he will not use or sell any glass containers or any closures purchased from .....

Name of seller

.....

Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date .....

.....

Legal name of purchaser

By .....

Authorized official

.....

Title of official

.....

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

SCHEDULES—GENERAL EXPLANATION

Schedules I through VI * list the only products which may be packed in new glass containers or with new metal closures. Schedule VII relates to the manufacture of home canning closures.

The data set forth in the two "quota" columns, opposite each product, indicate the number of new glass containers and new metal closures (determined in accordance with the general rules set forth in paragraph (g) of Order L-103-b), which may be used for packing that product. However, any special quota provisions which these schedules make applicable to any product, are controlling to the extent that they conflict with paragraph (g).

The "X" mark which appears opposite each product in one of the columns headed "closure material" indicates that, except as listed hereafter, only closures made of the specified material may be used to pack that product. The general exceptions from this rule are:

(i) Closures made of blackplate (including rejects) may be used, within quotas, wherever tinplate or terneplate is specified.

(ii) Closures made of frozen plate may be used, within quota, wherever either tinplate, terneplate or blackplate is specified.

(iii) Closures made of waste may be used in addition to specified quotas for listed products.

All special provisions of these schedules relating to closure materials for specific products must be followed, and

* EDITOR'S NOTE—Only Sched. I is reproduced.

control to the extent that they conflict with the above.

All size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L-103 and its schedules.

Attention is called to paragraphs (p) through (v) of Order L-103-b which establish limited exceptions to the provisions of this order. Here again, any special provisions which these schedules contain relative to quota exceptions—as in the case of ice cream mix and certain beverages—must be observed.

SCHEDULE I—FOODS

No product packed in a can shall be repacked for sale in a glass container by the same or a different person, in the same or a different form, except as follows (or as otherwise specifically permitted in this schedule):

(i) When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans, 5-gallon or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

(ii) Tomato paste, tomato pulp or puree, and tomato sauce may be repacked from No. 10, or from 5-gallon or larger reusable cans when required for packing other products, or for repacking in different form (other than in the form of tomato paste or tomato pulp or puree), but none may be repacked in the same form. No. 10 cans cut under this provision must be properly cleaned and returned to the nearest detinning plant.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
Fruit and Fruit Products				
1. Apples, including crab apples, whole apples not to be packed	100% 1943	100% 1943	X	
2. Apple cider, gallons only	100% 1943	100% 1943	X	
3. Apple juice, not to be packed in containers smaller than 1 pint capacity	100% 1943	100% 1943	X	
4. Applesauce including sauce from crab apples	100% 1943	100% 1943	X	
5. Apricots, fresh	Unlimited	Unlimited	X	
6. Blackberries, black raspberries, blueberries or huckleberries, red raspberries, boysen berries, loganberries, and youngberries when packed as berries.	Unlimited	Unlimited	X	
7. Cherries, red sour pitted and sweet	Unlimited	Unlimited	X	
8. Cranberries	100% 1943	100% 1943	X	
9. Figs—(Kadota)	Unlimited	Unlimited	X	
10. Fruit cocktail—consisting of any combination of fruits listed in this Schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent peaches and pears, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans, to the extent of 10 percent of fruit cocktail.	Unlimited	Unlimited	X	
10a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 55 percent nor more than 65 percent diced peaches, and not less than 35 percent nor more than 45 percent diced pears; or a combination of not less than 50 percent nor more than 60 percent diced peaches and not less than 30 percent nor more than 40 percent diced pears with not less than 6 percent nor more than 10 percent grapes. Such peaches or pears shall be peeled, pitted, or cored and diced to a size such that no more than 20 percent of the units will pass through a 5/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than ¾", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
11. Fruit butters, minimum size (excluding tumblers) ½ pound. At least 70 percent of containers packed to be 1½ pounds or larger.	Unlimited	Unlimited	X	
12. Fruits crushed, fountain fruits and ice cream toppings	100% 1943	100% 1943	X	
13. Fruit conserves, jams, marmalades and preserves. At least 10 percent of the number of containers packed with these products, excluding tumblers, to be 2 pounds or larger.	Unlimited	Unlimited	X	
14. Fruit jellies	Unlimited	Unlimited	X	
15. Fruit juices, other than grape, apple, or apple cider, or mixtures of fruit juices (undiluted except for the addition of sweetening). Minimum size 1 pint.	100% 1943	100% 1943	X	
16. Grape juice, minimum size 1 pint	Unlimited	Unlimited	X	
17. Fruit concentrates, liquid, when concentrated on a ratio 5 or more to 1	100% 1943	100% 1943	X	
18. Fruit concentrates, dry	100% 1943	100% 1943		X
19. Fruit nectars, minimum size 1 pint	100% 1943	100% 1943	X	
20. Olives, ripe and green ripe	Unlimited	Unlimited	X	
21. Peaches, halves, slices or cubes	Unlimited	Unlimited	X	
22. Pears—whole pears, except seckel pears, not to be packed	Unlimited	Unlimited	X	
23. Pectin, liquid	Unlimited	Unlimited		X
24. Plums	Unlimited	Unlimited	X	
25. Prunes, fresh Italian	Unlimited	Unlimited	X	
Vegetables and Vegetable Products				
26. Asparagus, all-green or culturally bleached	Unlimited	Unlimited	X	
27. Beans, with or without pork	100% 1943	100% 1943	X	
28. Beans, fresh, all varieties	Unlimited	Unlimited	X	
29. Beets—whole beets over 1½" diameter not to be packed	Unlimited	Unlimited	X	
30. Carrots—whole carrots not to be packed	Unlimited	Unlimited	X	
31. Peas and carrots—fresh green peas only. Carrots not to exceed 40 per cent of total drained weight. No vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
VEGETABLES AND VEGETABLE PRODUCTS—Continued				
32. Corn, fresh, sweet cut only	Unlimited	Unlimited	X	
33. Mixtures of vegetables (except succotash, and peas and carrots) which consist of not less than 90 percent of any combination of vegetables listed in this schedule: *Provided*, That the combination, by drained weight, shall consist of not more than 60 percent of any one vegetable; and, *Provided further*, That no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited	Unlimited	X	
34. Mushrooms	100% 1943	100% 1943	X	
35. Okra, including tomatoes and okra	100% 1943	100% 1943	X	
36. Peas, green	Unlimited	Unlimited	X	
37. Peppers, sweet, including pimientos. Minimum size container 6 fluid ounces	100% 1943	100% 1943	X	
38. Pumpkin and squash	100% 1943	100% 1943	X	
39. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke and turnip greens.	100% 1943	100% 1943	X	
40. Succotash, fresh vegetables only	Unlimited	Unlimited	X	
41. Tomatoes	Unlimited	Unlimited	X	
42. Tomato catsup and chili sauce, containing not less than 10.8 percent (specific gravity 1.045) by weight of dry tomato solids.	Unlimited	Unlimited	X	
43. Tomato paste from fresh tomatoes, containing not less than 25 percent by weight of dry tomato solids.				
44. Tomato pulp or puree from fresh tomatoes, containing not less than 10.8 percent (specific gravity 1.045) or more than 25 percent, by weight of dry tomato solids.	Unlimited	Unlimited	X	
45. Tomato sauce, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight of dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight of total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.	Unlimited	Unlimited	X	
46. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning, minimum size 1 pint.	Unlimited	Unlimited	X	
MEAT AND MEAT PRODUCTS				
47. Beef, dried—tumblers and caps for tumblers may be used in addition to quota	100% 1943	100% 1943	X	
48. Beef extract	100% 1943	100% 1943	X	
49. Chicken, boned	100% 1943	100% 1943	X	
50. Corned beef hash	100% 1943	100% 1943	X	
51. Mince meat, fresh apples only. No containers holding less than one pound net weight of mince meat to be packed.	100% 1943	100% 1943	X	
52. Pigs feet and cutlets, pickled. No containers of a capacity less than one pint to be packed.	200% 1943	200% 1943	X	
53. Scrapple (Philadelphia type)	50% 1943	50% 1943	X	
54. Tamales	100% 1943	100% 1943	X	
55. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards).	100% 1943	100% 1943	X	
56. Meat spreads, including ham, tongue, liver, beef and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	100% 1943	100% 1943	X	
57. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	100% 1943	100% 1943	X	
58. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 percent added water by weight.	100% 1943	100% 1943	X	
59. Tongue	200% 1943	200% 1943	X	
FISH AND SHELLFISH				
60. Any person who packed fish or shellfish products in 1943 may pack the same products in 1944 or any subsequent year, except that no clam broth shall be packed.	150% 1943	150% 1943	X	
MILK AND DAIRY PRODUCTS				
61. Cheese spreads, processed or unprocessed. Tumblers and caps for tumblers may be used in addition to quota.	125% 1943	125% 1943	X	
62. Milk, cultured, as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.	100% 1943	100% 1943		X
63. Milk, fluid with or without flavoring	Unlimited	Unlimited		X
64. Dry milk, malted milk, (including chocolate milk), and milk fortifiers	100% 1943	100% 1943		X
65. Ice cream mix, dry—notwithstanding the provision of paragraph (p) of this Supplementary Order L–103–b, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies. Containers and closures used for such packs must be charged to quotas for this product.	100% 1943	100% 1943	X	
66. Miscellaneous dairy products packed in returnable glass containers, including but not limited to fluid milk, cultured milk, liquid modifications of milk, sweet cream, sour cream and cottage cheese.	Unlimited	None		

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
SYRUPS AND HONEY				
67. Syrups—blended, cane, corn, maple, molasses, sorghum. Containers under 1 gallon capacity only to be packed.	150% 1943 (see note)	Unlimited		X
NOTE: Only new glass containers under 1 gallon capacity to be included for purpose of computing quota in accordance with paragraph (g).				
68. Syrups—bottlers, malt, chocolate, and fountain syrups	100% 1943	Unlimited		X
69. Honey	Unlimited	Unlimited		X
OLIVES, PICKLES, RELISHES, CONDIMENTS AND SAUCES				
70. Pickles, piccalilli and relishes	125% 1943	125% 1943	X	
71. Horseradish	100% 1943	100% 1943	X	
72. Mustard	100% 1943	100% 1943	X	
73. Green Olives	100% 1943	100% 1943	X	
74. Sauces—beefsteak, cooking, soya pepper and Worcestershire	100% 1943	100% 1943	X	
EDIBLE OILS AND DRESSINGS				
75. Dressings—Mayonnaise, Russian, salad, Thousand Island, Tartar Sauce and sandwich spreads (other than meat or cheese spreads). At least 60 percent of the containers used by any person to pack any or all of these products must be pints or larger.	125% 1943	125% 1943		X
76. French dressing	100% 1943	100% 1943	X	
77. Oil, edible, liquid	125% 1943 (see note)	100% of quota glass containers.		X
NOTE: Both new glass containers and new metal cans packed during base period to be included for purpose of computing quota under paragraph (g).				
No containers other than quarts and pints may be packed, with the following exceptions: (i) Olive oil may be packed in quarts, pints and smaller sizes. (ii) Any person who packed liquid edible oils prior to January 1, 1942 in glass containers larger than one quart may continue to do so in 1944 and subsequent calendar years.				
78. Shortenings	100% 1943	None		
MISCELLANEOUS FOODS				
79. Baby foods. Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Formulas—dry and liquid.	150% 1943	150% 1943	X	
81. Cherries, maraschino	100% 1943	100% 1943	X	
82. Coffee, not including soluble coffee	75% 1941 (see note)	50% quota glass containers. (See note.)		X
NOTE: Glass quotas for coffee are based on the capacity of new glass containers and metal cans accepted, rather than on the number of those used during 1941. Therefore, after computing his quota base in accordance with steps 1 and 2 of paragraph (g), on this basis, a coffee packer is permitted to accept and use enough new glass containers (of any size), to enable him to pack 75 percent of the capacity of new metal cans and jars resulting from such computation. No more than 40 percent of yearly glass quota may be accepted in period May 1 through October 31. New metal caps used in any one month shall not exceed 50 percent of the number of new glass containers packed in that month.				
83. Coffee, soluble	150% 1943	150% 1943		X
84. Baking powder	100% 1943	100% 1943		X
85. Dyes, certified colors, liquid	100% 1943	100% 1943		X
86. Flavoring extracts	100% 1943	100% 1943	X	
87. Malt, dry	100% 1943	100% 1943		X
88. Nut butters, including soybean butter. To be packed in 1 pound, 1⅓ pound, 2 pounds and larger containers only, except for tumblers which may be used subject to provisions of L–103. At least 10 percent of containers used to be 2 pounds or larger.	150% 1943	150% 1943		X
89. Spices and seasonings	100% 1943	100% 1943	X	
90. Vinegars. At least 70 percent of the containers packed must be quarts or larger. No containers less than pint capacity to be packed.	100% 1943	100% 1943	X	
91. Special foods, for human consumption only, limited to foods other than usual table foods.	(See note)	(See note)	(See note)	(See note)
NOTE: Quota—no person shall pack any special food product unless he packed the product in substantially the same form in 1943, and unless he obtains prior permission upon application to the War Production Board.				

EDITOR'S NOTE—Schedules II through VII of this order, which deal with drug products, chemicals, cosmetics, miscellaneous products, beverages and home canning, are not reproduced.